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2 A Limited Liability Partnership

3 Including Professional Corporations

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27 Attorneys for Defendant

28 ASSURANT, INC. and AMERICAN SECURITY INSURANCE COMPANY

18 **UNITED STATES DISTRICT COURT**
19 **NORTHERN DISTRICT OF CALIFORNIA**

20 PATRICK URSOMANO, GIOVANNI
21 CANONICO and URSULA CANONICO,
22 individually and on behalf of all others
23 similarly situated,

24 Plaintiffs,

25 v.

26 WELLS FARGO BANK, N.A.; WELLS
27 FARGO INSURANCE, INC.; ASSURANT,
28 INC.; and AMERICAN SECURITY
INSURANCE COMPANY,

Defendants.

Case No. 3:13-cv-04381-EMC

**STIPULATION AND ~~PROPOSED~~ ORDER
ESTABLISHING BRIEFING SCHEDULE
ON DEFENDANTS' MOTION TO STAY;
DECLARATION OF PETER S. HECKER
IN SUPPORT OF SAME**

SMRH:417443012.1

3:13-cv-04381-EMC

STIPULATION AND PROPOSED ORDER ESTABLISHING BRIEFING SCHEDULE;
DECLARATION IN SUPPORT

STIPULATION TO MODIFY BRIEFING SCHEDULE

Pursuant to Civil L.R. 7-12, 6-1(b) and 6-2, it is hereby stipulated by and between the parties, through their respective attorneys, that:

WHEREAS, defendants on February 7, 2014 filed a motion to stay these proceedings, along with a motion to shorten time on the motion to stay;

WHEREAS, the Court indicated it plans to consider the motion to stay on an expedited basis;

WHEREAS, the parties have agreed that, subject to the Court's approval, the briefing shall proceed on an expedited basis;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED THAT, subject to the Court's approval:

- Plaintiffs shall file and serve their opposition to defendants' stay motion on or before February 12, 2014;
- Defendants shall file and serve their reply papers on or before February 14, 2014;
- The motion shall be considered at the earliest convenient date by the Court.

Filer's Attestation: Pursuant to L.R. 5-1(i)(3), Peter S. Hecker hereby attests that concurrence by all signatories in the filing of this document has been obtained.

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1 Dated: February 11, 2014

/s/ Peter S. Hecker

Peter S. Hecker
SHEPPARD MULLIN RICHTER & HAMPTON LLP
Attorneys for Assurant, Inc. and American Security
Insurance Company

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4 Dated: February 11, 2014

/s/ Peter A. Muhic

Peter A. Muhic
KESSLER TOPAZ MELTZER & CHECK LLP
Attorneys for Plaintiffs Patrick Ursomano, Giovanni
Canonico and Ursula Canonico

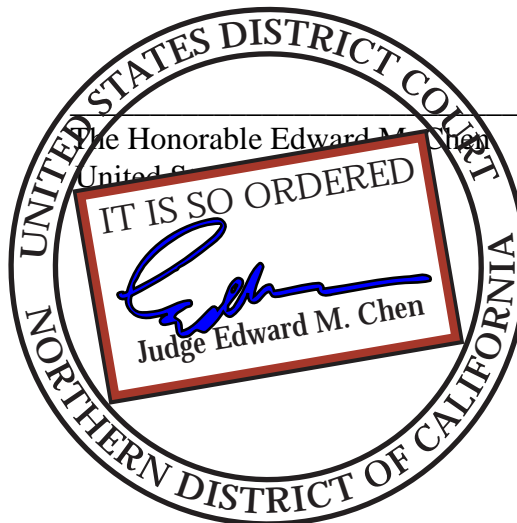
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8 Dated: February 11, 2014

/s/ Philip Barilovits

Philip Barilovits
SEVERSON & WERSON
Attorneys for Wells Fargo Bank, N.A. and Wells
Fargo Insurance, Inc.

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14 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

15 Dated: February ¹²____, 2014



DECLARATION OF PETER S. HECKER

I, Peter S. Hecker, declare:

1. I am an attorney duly admitted to practice before this Court. I am a partner with the law firm of Sheppard Mullin Richter & Hampton, LLP, counsel for defendants Assurant, Inc. and American Security Insurance Company in this case (collectively “ASIC”). I have personal knowledge of the facts set forth below.

2. As set forth in the above stipulation, plaintiffs Patrick Ursomano, Giovanni Canonico and Ursula Canonico (collectively “plaintiffs”) have stipulated that plaintiffs shall file and serve their opposition to defendants’ motion to stay (the “motion”) on or before February 12, 2014; defendants shall file and serve their reply papers on or before February 14, 2014; and consideration of the motion shall be at the earliest convenience of the Court.

3. Previous time modifications in this case include:

- On December 4, 2013, the Court continued a Case Management Conference and the hearing on the ASIC’s motion to dismiss. (ECF No. 26)
- On December 5, 2013, the parties stipulated to extend Plaintiffs’ time to respond to ASIC’s motion to dismiss and ASIC’s time to reply. (ECF No. 28)
- On December 12, 2013, the parties stipulated to extend Wells Fargo’s time to respond to the First Amended Class Action Complaint. (ECF No. 29)
- On January 23, 2014, the Court continued a Case Management Conference and the hearing on Defendants’ motions to dismiss. (ECF No. 40)

4. Due to the minimal nature of the stipulated shortening of time, I believe that the requested extensions for consideration of the stay motion will not have any significant impact on the schedule for the case.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 11th day of February 2014 at San Francisco, California.

/s/ Peter S. Hecker

PETER S. HECKER